THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.20343 of 1996
Date: 23-01-2007

Between:
Bade Chandraiah

Petitioner

And

M/s.Singareni Collaries, rep. by its General Manager,
Godavari Khani, Karimnagar Dist.

Respondent

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.20343 of 1996

ORDER:

1. The writ petition has been instituted seeking directions to the respondent-Singareni Collieries, to treat the petitioner as a permanent employee with effect from 02-09-1976 and regularize the services of the petitioner from 25-06-1981 to 23-03-1987 and to accord him the attendant benefits namely, increments and promotion etc.

2. The writ petitioner appears to have been employed with the respondent-Singareni Collieries, from 02-09-1976 and while working as such he had proceeded on sick leave and did not report to duty immediately thereafter. In those set of circumstances, the respondent-Singareni Collieries has passed orders on 23-06-1981 directing the writ petitioner to report to duty within a period of two days as he has been over staying the sanctioned sick leave and if he does not report to duty immediately, he has been informed that his name will be removed from the rolls of the company with effect from 25-06-1981. However, thereafter, the issue has been brought up for settlement in terms of Section 12 (3) of the Industrial Disputes Act-1947 and ultimately the management has agreed to entertain him back to duty as a General Mazdoor or Tunnel Manzdoor. It has also been specifically agreed that the writ petitioner will not make any claim for wages etc. for the period he was absent from 18-07-1984. Subsequent to this

settlement, the Singareni Collieries passed orders on 23-03-1987 appointing the writ petitioner as a Tunnel Mazdoor on Category-I wages with effect from 25-02-1987. The writ petitioner accepted the same and rejoined the service of Singareni Collieries.

3. At this long distance of time, the writ petitioner cannot seek to rake up issue relating to his absence of duty or any other issue relating to his reinductment in to employment with effect from 25-02-1987. If any benefits have got to be accrued, the same have got to be agitated about promptly and in time. The writ petitioner having slept over the issue for too long a period and preferred to institute the above writ petition after a long lapse of time, therefore, I am not inclined to exercise any discretion in favour of the writ petitioner and consequently the above writ petition is dismissed, but however without costs.

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NOOTY RAMAMOHANA RAO,J

23-01-2007

Stp